

Assembly Bill No. 2260

Passed the Assembly August 31, 2000

Chief Clerk of the Assembly

Passed the Senate August 31, 2000

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2000, at _____ o'clock ____M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Section 48980.3 to, and to add Article 4 (commencing with Section 17608) to Chapter 5 of Part 10.5 of, the Education Code, and to add Article 17 (commencing with Section 13180) to Chapter 2 of Division 7 of the Food and Agricultural Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2260, Shelley. School safety.

Under existing law, the Department of Pesticide Regulation has primary responsibility for enforcing pesticide laws and regulations. Existing law establishes and maintains various programs to promote health and prevent disease.

This bill would establish the Healthy Schools Act of 2000. The bill would require that the preferred method of managing pests at schoolsites be effective least toxic pest management practices and would further require that the state take the necessary steps, pursuant to specified provisions, to facilitate the adoption of effective least management practices at schoolsites. The bill would require each schoolsite to maintain records of all pesticide use at the schoolsite for a period of 4 years and make the records available to the public upon request, thus imposing a state-mandated local program. The bill would require that licensed and certified pest control operators include information on any school pesticide application that they perform as part of their otherwise applicable pesticide use reporting requirements.

The bill would require, on an annual basis, the school district designee to provide to all staff and parents or guardians of pupils enrolled at a school written notification addressing, among other things, expected pesticide use, thus imposing a state-mandated local program. The bill would require that the recipients be afforded the opportunity to register with the school district to receive information regarding individual



pesticide applications. The bill would require the school district designee to post warning signs prior to application of pesticides at a schoolsite, thus imposing a state-mandated local program.

The bill would require the Department of Pesticide Regulation to promote and facilitate the voluntary adoption of integrated pest management programs as specified, maintain an internet website, and establish an integrated pest management training program. The bill would provide definitions of terms for the Healthy Schools Act of 2000.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 17608) is added to Chapter 5 of Part 10.5 of the Education Code, to read:

Article 4. Healthy Schools Act of 2000

17608. This article, Article 17 (commencing with Section 13180) of Chapter 2 of Division 7 of the Food and Agricultural Code, and Article 2 (commencing with Section 105500) of Chapter 76 of Division 103 of the Health and Safety Code, shall be known and cited as the Healthy Schools Act of 2000.



17609. The definitions set forth in this section govern the construction of this article unless the context clearly requires otherwise:

(a) “Antimicrobial” means those pesticides defined by the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136(mm)).

(b) “Crack and crevice treatment” means the application of small quantities of a pesticide consistent with labeling instructions in a building into openings such as those commonly found at expansion joints, between levels of construction and between equipment and floors.

(c) “Emergency conditions” means any circumstances in which the school district designee deems that the immediate use of a pesticide is necessary to protect the health and safety of pupils, staff, or other persons, or the schoolsite.

(d) “School district designee” means the individual identified by the school district to carry out the requirements of this article at the schoolsite.

(e) “Schoolsite” means any facility used for public day care, kindergarten, elementary, or secondary school purposes. The term includes the buildings or structures, playgrounds, athletic fields, school vehicles, or any other area of school property visited or used by pupils. “Schoolsite” does not include any postsecondary educational facility attended by secondary pupils or private day care or school facilities.

17610. It is the policy of the state that effective least toxic pest management practices should be the preferred method of managing pests at schoolsites and that the state, in order to reduce children’s exposure to toxic pesticides, shall take the necessary steps, pursuant to Article 17 (commencing with Section 13180) of Chapter 2 of Division 7 of the Food and Agricultural Code, to facilitate the adoption of effective least toxic pest management practices at schoolsites. It is the intent of the Legislature to encourage appropriate training to be provided to school personnel involved in the application of pesticide at a schoolsite.



17610.5. Sections 17611 and 17612 shall not apply to a pesticide product deployed in the form of a self-contained bait or trap, to gel or paste deployed as a crack and crevice treatment, to any pesticide exempted from regulation by the United States Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 25 (b)), or to antimicrobial pesticides, including sanitizers and disinfectants.

17611. Each schoolsite shall maintain records of all pesticide use at the schoolsite for a period of four years, and shall make this information available to the public, upon request, pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code). A schoolsite may meet the requirements of this section by retaining a copy of the warning sign posted for each application required pursuant to Section 17612, and recording on that copy the amount of the pesticide used.

17612. (a) The school district designee shall annually provide to all staff and parents or guardians of pupils enrolled at a schoolsite a written notification of the name of all pesticide products expected to be applied at the school facility during the upcoming year. The notification shall identify the active ingredient or ingredients in each pesticide product. The notice shall also contain the Internet address used to access information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation pursuant to Section 13184 of the Food and Agricultural Code and may contain other information deemed necessary by the school district designee. No other written notification of pesticide applications shall be required by this act except as follows:

(1) In the written notification provided pursuant to this subdivision, the school district designee shall provide the opportunity for recipients to register with the school district if they wish to receive notification of individual pesticide applications at the school facility. Persons who register for such notification shall be notified of individual pesticide applications at least 72 hours prior to the



application. The notice shall include the product name, the active ingredient or ingredients in the product, and the intended date of application.

(2) If a pesticide product not included in the annual notification is subsequently intended for use at the schoolsite, the school district designee shall, consistent with this subdivision and at least 72 hours prior to application, provide written notification of its intended use.

(b) The school designee shall make every effort to meet the requirements of this section in the least costly manner. Annual notification to parents and guardians shall be provided pursuant to Section 48980.3. Any other notification shall, to the extent feasible and consistent with the act adding this article, be included as part of any other written communication provided to individual parents or guardians. Nothing in this section shall require the school district designee to issue the notice through first-class mail, unless he or she determines that no other method is feasible.

(c) Pest control measures taken during an emergency condition as defined in Section 17609 shall not be subject to the requirements of paragraphs (1) and (2) of subdivision (a). However, the school district designee shall make every effort to provide the required notification for an application of a pesticide under emergency conditions.

(d) The school district designee shall post each area of the schoolsite where pesticides will be applied with a warning sign. The warning sign shall prominently display the term “Warning/Pesticide Treated Area” and shall include the product name, manufacturer’s name, the United States Environmental Protection Agency’s product registration number, intended date and areas of application, and reason for the pesticide application. The warning sign shall be visible to all persons entering the treated area and shall be posted 24 hours prior to the application and remain posted until 72 hours after the application. In case of a pest control emergency, the warning sign shall be posted immediately upon



application and shall remain posted until 72 hours after the application.

(e) Subdivisions (a) and (d) shall not apply to schools operated by the California Youth Authority. The school administrator of a school operated by the California Youth Authority shall notify the chief medical officer of that facility at least 72 hours prior to application of pesticides. The chief medical officer shall take any steps necessary to protect the health of pupils in that facility.

(f) This section and Section 17611 shall not apply to activities undertaken at a school by participants in the state program of agricultural vocational education, pursuant to Article 7 (commencing with Section 52450) of Chapter 9 of Part 28, if the activities are necessary to meet the curriculum requirements prescribed in Section 52454. Nothing in this subdivision relieves schools participating in the state program of agricultural vocational education of any duties pursuant to this section for activities that are not directly related to the curriculum requirements of Section 52454.

17613. Section 17612 shall not apply to any agency signatory to a cooperative agreement with the State Department of Health Services pursuant to Section 116180 of the Health and Safety Code.

SEC. 2. Section 48980.3 is added to the Education Code, to read:

48980.3. The notification required pursuant to Section 48980 shall include information regarding pesticide products as specified in subdivision (a) of Section 17612.

SEC. 3. Article 17 (commencing with Section 13180) is added to Chapter 2 of Division 7 of the Food and Agricultural Code, to read:

Article 17. Healthy Schools Act of 2000

13180. This article, Article 4 (commencing with Section 17608) of Chapter 5 of Part 10.5 of the Education Code, and Article 2 (commencing with Section 105500) of Chapter 7 of Division 103 of the Health and Safety



Code, shall be known and may be cited as the Healthy Schools Act of 2000.

13181. Notwithstanding any other provision of law, for purposes of this article, “integrated pest management” means a pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using nonchemical practices to make the habitat less conducive to pest development, improving sanitation, and employing mechanical and physical controls. Pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment, are used only after careful monitoring indicates they are needed according to preestablished guidelines and treatment thresholds. This definition shall apply only to integrated pest management at school facilities.

13182. It is the policy of the state that effective least toxic pest management practices should be the preferred method of managing pests at schoolsites and that the state, in order to reduce children’s exposure to toxic pesticides, shall take the necessary steps, pursuant to this article, to facilitate the adoption of effective least toxic pest management practices at schoolsites. It is the intent of the Legislature to encourage appropriate training to be provided to school personnel involved in the application of pesticide at a schoolsite.

13183. The Department of Pesticide Regulation shall, by July 1, 2001, promote and facilitate the voluntary adoption of integrated pest management programs for all school districts that voluntarily choose to do so. For these school districts, the department shall do all of the following:

(a) Establish an integrated pest management program for school districts consistent with Section 13181. In establishing the program, the department shall:

(1) Develop criteria for identifying least-hazardous pest control practices and encourage their adoption as



part of an integrated pest management program at each schoolsite.

(2) Develop a model program guidebook that prescribes essential program elements for a school district that has adopted a least-hazardous integrated pest management program. At a minimum, this guidebook shall include guidance on all of the following:

(A) Adopting an IPM policy.

(B) Selecting and training an IPM coordinator.

(C) Identifying and monitoring pest populations and damage.

(D) Establishing a community-based school district advisory committee.

(E) Developing a pest management plan for making least-hazardous pest control choices.

(F) Contracting for integrated pest management services.

(G) Training and licensing opportunities.

(H) Establishing a community-based right-to-know standard for notification and posting of pesticide applications.

(I) Recordkeeping and program review.

(b) Make the model program guidebook available to school districts and establish a process for systematically updating the guidebook and supporting documentation.

13184. (a) In implementing Section 13183, the department shall establish and maintain an Internet website as a comprehensive directory of resources describing and promoting least-hazardous practices at schoolsites. The website shall also make available an electronic copy of the model program guidebook, its updates, and supporting documentation. The department shall also establish and maintain on its website an easily identified link that provides the public with all appropriate information regarding the public health and environmental impacts of pesticide active ingredients and ways to reduce the use of pesticides at school facilities.

(b) It is the intent of the Legislature that the state assist school districts to ensure that compliance with

Section 17612 of the Education Code is simple and inexpensive. The department shall include in its website Internet-based links that allow schools to properly identify and list the active ingredients of pesticide products they expect to be applied during the upcoming year. Use of these links by schools is not mandatory but shall be made available to all schools at no cost. The department shall ensure that adequate resources are available to respond to inquiries from school facilities or districts regarding the use of integrated pest management practices.

13185. (a) The department shall establish an integrated pest management training program in order to facilitate the adoption of a model IPM program and least-hazardous pest control practices by school districts. In establishing the IPM training program, the department shall do all of the following:

(1) Adopt a “train-the-trainer” approach, whenever feasible, to rapidly and broadly disseminate program information.

(2) Develop curricula and promote ongoing training efforts in cooperation with the University of California and the California State University.

(3) Prioritize outreach on a regional basis first and then to school districts.

(b) Nothing in this article shall preclude a school district from adopting stricter pesticide use policies.

13186. (a) The Legislature finds and declares that the Department of Pesticide Regulation, pursuant to Section 12979 of the Food and Agricultural Code and Sections 6624 and 6627 of Title 3 of the California Code of Regulations, requires persons engaged for hire in the business of pest control to maintain records of pesticide use and report a summary of that pesticide use to the county agricultural commissioner or director. The Legislature further finds and declares that it is in the interest of the state, in implementing a school integrated pest management program pursuant to this article, to collect specified information on the use of pesticides at school facilities.



(b) The Department of Pesticide Regulation shall prepare a school pesticide use form to be used by licensed and certified pest control operators when they apply any pesticides at a schoolsite. The form shall include, for each application at a schoolsite, the name and address of the schoolsite, date and location of application, pesticide product name, and the quantity of pesticide used. Nothing in this section shall change any existing applicable pesticide use reporting requirements.

(c) On and after January 1, 2002, persons required to submit pesticide use records to the county agricultural commissioner or director shall complete and submit to the director the school pesticide use forms established pursuant to this section. The forms shall be submitted annually and may be submitted more often at the discretion of the pest control operator maintaining the forms.

13187. Section 13186 shall not apply to any agency signatory to a cooperative agreement with the State Department of Health Services pursuant to Section 116180 of the Health and Safety Code.

13188. The Director of Pesticide Regulation may adopt regulations to implement this article.

SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.



Approved _____, 2000

Governor

